



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

B. Jeffrey Brooks, Treasurer  
ARPAC  
401 9<sup>th</sup> St. NW  
Suite 610 South  
Washington, DC 20004

AUG - 8 2006

RE: MUR 5757

Dear Mr. Brooks:

On July 28, 2006, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf in settlement of a violation of 2 U.S.C. § 434(a), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Wanda D. Brown", is written over a horizontal line.

Wanda D. Brown  
Attorney

Enclosure  
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 5757  
ARPAC and B. Jeffrey Brooks in his official )  
 capacity as treasurer )  
 )  
 )

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

The Commission found reason to believe that ARPAC and B. Jeffrey Brooks, in his official capacity as treasurer, ("Respondents") violated 2 U.S.C. § 434(a).

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

**Background**

1. ARPAC is a political committee pursuant to 2 U.S.C. § 431(4) and is a multicandidate committee with the meaning of 2 U.S.C. § 441a(a)(4).
2. B. Jeffrey Brooks is the treasurer of the Committee.

**The Law**

3. The Act requires that all committees file reports of receipts and disbursements in accordance with the provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). 2 U.S.C. § 434(a).
4. The Act requires that a multicandidate committee file quarterly reports in a calendar year in which a regularly scheduled election is held no later than the fifteenth day after the last day of each calendar quarter, except for the quarter ending on December 31 of the calendar year, for which the report should be filed no later than January 31 of the following year. 2 U.S.C. § 434(a)(4)(A)(i).
5. A multicandidate committee shall file a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(iv).
6. A multicandidate committee shall file a pre-election report no later than the twelfth day before any election in which the committee makes a contribution to or an expenditure on behalf of a candidate in such election, and which shall be complete as of the twentieth day before the election, and a post-general election report, no later than the thirtieth day after the general election and which shall be complete as of the twentieth day after such general elections. 2 U.S.C. § 434(a)(4)(A)(ii) and (iii).

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7. Election Sensitive Reports means third quarter reports due on October 15<sup>th</sup> before the general election and pre-election reports for primary, general, and special elections.

11 C.F.R. § 111.43(d).

8. Election Sensitive Reports are considered to be filed late if they are filed after their due dates but prior to four (4) days before the primary election for pre-primary reports, prior to four (4) days before the special election for pre-special election reports, or prior to four (4) days before the general election for all other election sensitive reports. 11 C.F.R.

§ 111.43(e)(2).

9. Election Sensitive Reports are considered to be not filed if they are not filed prior to four (4) days before the primary election for pre-primary reports, prior to four (4) days before the special election for pre-special election reports, or prior to four (4) days before the general election for all other election sensitive reports. *Id.*

10. Reports that are not election sensitive are considered to be filed late if they are filed after their due dates but within thirty (30) days of their due dates. 11 C.F.R. § 111.43(e)(1).

11. Reports that are not election sensitive are considered to be not filed if they are filed after thirty (30) days of their due dates or not filed at all. *Id.*

#### **The Facts**

12. Respondents failed to file the 2003 Year-End Report.

13. Respondents failed to file the 2004 April Quarterly Report.

14. Respondents failed to file the 2004 July Quarterly Report.

15. Respondents failed to file the 2004 October Quarterly Report.

16. Respondents failed to file the 12-Day Pre-General Election Report.

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1 17. Respondents failed to file the 30-Day Post-General Election Report.

2 18. Respondents failed to file the 2004 Year-End Report.

3 19. Respondents ultimately filed all reports identified in paragraphs twelve through eighteen  
4 in April 2005.

5 V. 1. ARPAC and B. Jeffrey Brooks, in his official capacity as treasurer, violated  
6 2 U.S.C. § 434(a) by failing to file the 2003 Year-End Report, the 2004 April Quarterly Report,  
7 the 2004 July Quarterly Report, the 2004 October Quarterly Report, the 2004 12-Day Pre-  
8 General Report, the 2004 30-Day Post-General Report, and the 2004 Year-End Report.

9 VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the  
10 amount of Eight Thousand Five Hundred Dollars (\$8,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

11 2. Respondents will cease and desist from violating 2 U.S.C. § 434(a).

12 VII. The Commission, on request of anyone filing a complaint under 2 U.S.C.  
13 § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance  
14 with this agreement. If the Commission believes that this agreement or any requirement thereof  
15 has been violated, it may institute a civil action for relief in the United States District Court for  
16 the District of Columbia.

17 VIII. This agreement shall become effective as of the date that all parties hereto have  
18 executed same and the Commission has approved the entire agreement.

19 IX. Respondents shall have no more than thirty (30) days from the date this  
20 agreement becomes effective to comply with and implement the requirements contained in this  
21 agreement and to so notify the Commission.

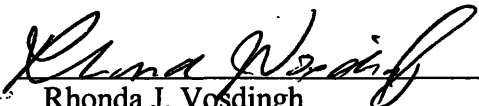
22 X. This Conciliation Agreement constitutes the entire agreement between the parties  
23 on the matters raised herein, and no other statement, promise, or agreement, either written or

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1 oral, made by either party or by agents of either party, that is not contained in this written  
2 agreement shall be enforceable.


3  
4 FOR THE COMMISSION:

5  
6 Lawrence H. Norton  
7 General Counsel

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10 BY:   
11 Rhonda J. Vosdinger  
12 Associate General Counsel  
13 for Enforcement

8/7/06  
Date

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17 FOR THE RESPONDENTS:

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20   
21 (Name) B. Jeffrey Brooks  
22 (Position) Partner

7/11/06  
Date

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